

**CHAPTER NO. 1006**

**HOUSE BILL NO. 3987**

**By Representatives McMillan, Langster, Russell Johnson, Coleman,  
Sontany, Eric Watson, Todd, Baird, Fitzhugh**

**Substituted for: Senate Bill No. 3869**

**By Senators Kyle, Kilby, Burks**

AN ACT to amend Tennessee Code Annotated, Section 39-16-201, relative to the offense of introduction or possession of contraband in a penal institution.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

(3)SECTION 1. Tennessee Code Annotated, Section 39-16-201, is amended by adding the following new subdivisions at the end of subsection (a):

(3) Knowingly and with unlawful intent take, send or otherwise cause to be taken into any penal institution where prisoners are quartered or under custodial supervision any telecommunication device.

SECTION 2. Tennessee Code Annotated, Section 39-16-201, is further amended by deleting subsection (b) in its entirety and substituting in its place the following:

(b) A violation of subdivision (a)(1) or (a)(2) is a Class C felony. A violation of subdivision (a)(3) is a Class E felony.

SECTION 3. Tennessee Code Annotated, Section 39-16-201, is further amended by adding the following as a new subsection:

(c) As used in this section, "telecommunication device" means any type of instrument, device machine, or equipment which is capable of transmitting telephonic, electronic, digital, cellular or radio communications or any part of such instrument, device, machine or equipment which is capable of facilitating the transmission of telephonic, electronic, digital, cellular or radio communications. The term shall include, but not be limited to, cellular phones, digital phones and modem equipment devices.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 25, 2006

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 27<sup>th</sup> day of June 2006

  
PHIL BREDESEN, GOVERNOR